TABLE OF CONTENTS

Executive Summary
INS Organizational Charts
List of Acronyms

I. Introduction

- A. Allegations
 - 1. Themes of the allegations
 - 2. Specific allegations that emerged in late spring and early summer 1996
- B. Description of OIG investigation
- C. Organization of the report
- D. INS structure and management
 - 1. <u>Introduction</u>
 - 2. Structure of INS
 - 3. The 1994 reorganization and key management personnel
 - 4. Commissioner Meissner's priority management system
- E. Naturalization procedures
 - 1. The application
 - a. Who can apply-prerequisites
 - b. Application and fees
 - 2. Processing within INS
 - a. <u>Initial processing</u>
 - (1) Receipt
 - (2) A-files
 - (3) Data-entry, File Transfer Requests, and scheduling of interviews
 - b. Interviews and adjudications
 - c. The oath ceremony
- II. The Implementation of CUSA: an Overview
 - A. A summary of the design of CUSA

- 1. Commissioner Meissner's FY 1995 naturalization priority
- 2. The surge in naturalization applications
 - a. Factors that contributed to the surge in applications
- 3. <u>Commissioner Meissner's realization that the naturalization program was severely backlogged</u>
- 4. INS' attempt to address the backlog by reengineering the naturalization process
 - a. Working with PRC, Inc.
 - b. The addition of David Rosenberg to the naturalization initiative
- 5. CUSA announced and production becomes the priority
- 6. Two congressional allegations relating to the planning of CUSA
 - a. The selection of the Key City Districts
 - b. Soliciting naturalization applicants
- B. The means of production
 - 1. Staffing CUSA
 - a. Staffing numbers and the focus on officer numbers
 - b. New officers given limited training
 - (1) <u>Congressional allegations concerning compromised background checks of CUSA hires</u>
 - 2. CUSA techniques for the processing of applications
 - a. INS relied on a computer system that it knew needed to be replaced
 - (1) Background on data systems
 - (2) Problems with INS' data systems before and during CUSA
 - b. Data-entry projects: Naturalization Data Entry Center
 - c. Direct Mail
 - (1) Origins of Direct Mail
 - (2) Direct Mail for N-400s
 - 3. INS' partnerships with community-based organizations
- C. Production pressures during CUSA
 - 1. The original goal and the delays in implementation

- 2. Adherence to the goal despite difficulties in reaching it
- 3. NPR and the Expanded Naturalization Initiative
- 4. The Field's reaction
 - a. <u>Increased production</u>
 - b. The perception of pressure in the Field

III. Interviews and Adjudications

- A. <u>Introduction</u>
- B. Background on the naturalization interview
 - 1. <u>Introduction</u>
 - 2. The interview process
 - 3. The "good moral character" standard and changes in the naturalization process
- C. Training for CUSA adjudicators
 - 1. Introduction
 - 2. DAO training before CUSA
 - 3. Temporary officers could only receive abbreviated training
 - a. The reasons for choosing a temporary workforce
 - b. Previous experience with adjudicators who were not academy-trained
 - 4. Exportable or "modular" training
 - 5. The CUSA training design
 - 6. Training implementation
 - a. "Train the Trainer"
 - b. Failure to emphasize the specific limitations of CUSA training
 - c. <u>Temporary officers did not adjudicate cases in the setting contemplated by</u> the CUSA training program
 - (1) Pre-screening not implemented
 - (2) Primary/secondary strategy implemented in one CUSA office
 - (3) New officers were not adequately supervised
 - d. Lack of monitoring and evaluation of the CUSA training program

- (1) Chicago District did not implement the training program as designed
- D. INS' failure to provide adjudicative guidance
 - 1. Introduction
 - 2. No guidance provided concerning the evaluation of "good moral character"
 - 3. No guidance concerning the testing of English and Civics
 - a. Regulations concerning English literacy and knowledge of Civics
 - b. English and Civics testing before CUSA
 - (1) Testing practices at the interview
 - (2) Outside testing of English and Civics before CUSA
 - c. English and Civics testing during CUSA
 - (1) English and Civics testing under the Priority Implementation Plan
 - (2) Testing practices at the interview
 - (3) Outside testing of English and Civics during CUSA
 - 4. No guidance concerning the adjudication of naturalization applications by those suspected of obtaining residency through fraud
 - a. Background
 - (1) <u>Special Agricultural Workers become eligible to apply for</u> naturalization
 - (2) INS' belief in widespread fraud in SAW program
 - (3) <u>Congressional concern about SAW fraud and INS' commitment to take appropriate action</u>
 - (4) The role of immigration fraud in the naturalization adjudication
 - (5) The confidentiality provisions of IRCA
 - b. Detecting SAW fraud and CUSA adjudications
 - (1) Los Angeles
 - (2) New York District
 - (3) San Francisco District
 - (4) Chicago District
 - (5) Miami District
 - c. Operation Desert Deception: INS did not take action during CUSA to prevent applicants who had benefited from SAW fraud from becoming citizens
 - (1) Background on Operation Desert Deception
 - (2) The delay

- (3) 144 naturalized before INS' file review begins
- (4) Insufficient direction to the Field
- (5) The Field receives direction on the last day of CUSA
- (6) The results of the review
- (7) The failure to use database "flags" and the naturalization of those suspected of SAW fraud
- E. <u>Headquarters' encouragement of naturalization streamlining and the results in the Field</u>
 - 1. Introduction
 - 2. The Naturalization Process Changes memorandum
 - a. The instruction to streamline naturalization
 - b. Alternative Examination Methods
 - (1) Chicago off-site processing held out as a model although already recognized as vulnerable
 - (2) Chicago off-site processing during CUSA
 - (3) <u>Headquarters officials avoid responsibility for Naturalization</u> Process Changes memorandum
 - 3. Increased production in the Field
 - a. Introduction
 - b. CUSA practices in Los Angeles District
 - (1) Introduction
 - (2) El Monte adjudications
 - (3) Off-site adjudications
 - c. The New York District: Garden City adjudications
 - (1) Introduction
 - (2) Reporting "completed-approved" cases on the G-22
 - (3) The pressure to produce in Garden City
 - d. CUSA in the sub-offices within the San Francisco District
 - (1) The division of labor within the District
 - (2) A comparison of the workloads
 - (3) The effects on adjudications
 - (4) Prioritizing cases that could be approved
 - e. Newark interview waivers
 - (1) Background on the interview waiver strategy
 - (2) Newark's "streamlined" interviews
 - (3) Official response to Newark "streamlining"

IV. A-file Policy and Practice

- A. Introduction
- B. The A-file and its role in naturalization processing
- C. Principle v. practice: INS' reliance on temporary files before CUSA
 - 1. The policy of temporary files
 - a. The Crosland directive did not require a search for the permanent file before the applicant's interview
 - b. <u>Inadequate criteria for the use of temporary files</u>
 - c. <u>Pre-CUSA practices in the Key City Districts</u>
 - (1) Key City Districts that emphasized finding the A-file
 - (2) Key City Districts where A-file searches were not a priority
 - 2. <u>INS records management: setting the stage for reliance on temporary files at interview</u>
 - a. In the Field
 - b. The view from Headquarters
- D. A-file policy and practices during CUSA
 - 1. CUSA records staffing and planning
 - a. NDEC and its impact on file availability in Los Angeles and Miami
 - (1) Impact of NDEC on Los Angeles cases
 - (2) Impact of NDEC on Miami cases
 - b. The effects of multiple sites
 - (1) The first CUSA site: Laguna Niguel naturalization
 - (2) <u>Transfers among district offices</u>, sub-offices, and CUSA sites: the example of San Francisco
 - 2. The impact of Direct Mail
 - a. The origins of the file-movement theory of Direct Mail
 - b. The consequences of Direct Mail's file-movement theory
 - (1) Automated file movement
 - (2) The district view-New York
 - (3) The service center view-TSC and the Miami District
 - 3. A-file policy and "streamlining" naturalization

- a. El Monte's design precluded file review before the naturalization interview
- b. "Naturalization Process Changes" memorandum
- E. Consequences of the extensive reliance on temporary files
 - 1. Temporary files and naturalizing ineligible applicants who had engaged in fraud
 - 2. Temporary files and the loss of control over relevant records
 - a. Automated systems could not be relied on to provide accurate closing information
 - b. The example of INS' response to requests by the Committee on House Oversight
 - c. The example of INS' unsuccessful efforts to determine the identity and number of persons who became citizens during CUSA
 - (1) The creation of the KPMG database
 - (2) What the Criminal History Case Review and the Rap Sheet Analysis Project reveal about INS record-keeping
 - (3) Recreating the universe of cases
- V. Criminal History Checking Procedures
 - A. Introduction
 - B. Background on criminal history checks and the presumptive policy
 - 1. Purpose and description of criminal history checks
 - 2. Fingerprint processing by the FBI
 - a. Introduction
 - b. Conducting fingerprint checks
 - 3. Origin and elimination of the presumptive policy
 - 4. <u>INS blames the presumptive policy for its fingerprint processing errors during CUSA</u>
 - C. INS failures to properly administer fingerprint policy and procedures that pre-dated CUSA
 - 1. Failure to properly administer the presumptive period
 - a. INS failed to clearly articulate the presumptive policy
 - b. No uniform understanding of the presumptive period existed within INS
 - c. The risk created by shorter presumptive periods

- (1) Los Angeles District
- (2) Chicago District
- 2. Failure to resubmit fingerprint cards rejected by the FBI
 - a. <u>INS' lack of a policy requiring resubmission of rejected and unclassifiable</u> fingerprint cards
 - (1) Instructions concerning unclassifiable cards before 1994
 - (2) <u>Instructions to the Field on how to save money in the submission</u> of fingerprint cards
 - (3) The discretionary resubmission of rejected cards
 - b. Key City District practices in regard to processing fingerprint cards rejected by the FBI
 - (1) <u>Districts that made some efforts to resubmit rejected fingerprint</u> cards
 - (2) Districts that failed to resubmit rejected cards
- 3. Failure to ensure that rap sheets were available for review in conjunction with the naturalization interview
 - a. Chicago District
 - b. Los Angeles
- D. INS' failure to respond to outside recommendations to improve the fingerprint process: the OIG and GAO reports of 1994
 - 1. Introduction
 - 2. The 1994 OIG inspection report and recommendations
 - a. The inspection and findings
 - b. The recommendations
 - c. INS' response to the OIG report
 - (1) INS concurs only in part that fingerprint checks by the FBI are necessary
 - (2) INS agreed that fingerprint processing required improvement but failed to take effective action
 - 3. INS suspends fingerprint checks in March 1994
 - 4. The recommendations of the Fingerprint Enhancement Working Group
 - a. The FEWG's long-term recommendations
 - b. FEWG's short-term recommendations

- (1) Reviewing and clarifying current fingerprinting procedures
- (2) Monitoring of INS field offices' compliance with procedures
- (3) Certifying fingerprint services providers
- (4) Incorporating information from FBI's automated billing records

5. The GAO report

- a. The review
- b. GAO findings
- c. INS' response to the GAO report
 - (1) INS repeats its commitment to monitoring compliance with procedures
 - (2) INS resists ending the presumptive policy
 - (3) The FEWG's short-term solution of using the automated billing records was not adopted
 - (4) Exaggerating INS' progress in the response to the GAO report
- 6. INS officials plan CUSA without fixing known deficiencies
- E. Criminal history checking procedures during CUSA
 - 1. Introduction
 - 2. Fingerprint processing and the Naturalization Data Entry Center
 - a. Introduction
 - b. Data-entry procedures and fingerprint processing at NDEC
 - c. <u>CUSA officials allowed NDEC cases to be scheduled without regard for the presumptive period</u>
 - (1) No backlog of pending interviews at the Laguna Niguel office
 - (2) <u>Los Angeles officials took no steps to ensure that cases were scheduled for interview only after the presumptive period had passed</u>
 - (3) INS Headquarters implemented computer system changes founded on the mistaken belief that fingerprint checks had been initiated for NDEC cases
 - (4) Computer data shows applicant interviews were not postponed until a presumptive period had passed
 - 3. Fingerprint and rap sheet processing under Direct Mail
 - a. Introduction
 - b. Service center staff received insufficient training and guidance
 - (1) Naturalization-specific training of service center staff was not

prioritized

- (2) <u>Deficiencies in the written guidance concerning fingerprint</u> processing under Direct Mail
- c. The ramifications of inadequate planning and guidance
 - (1) <u>Background on software design innovations to promote the proper processing of fingerprint cards</u>
 - (2) INS failed to provide formal training on new software
 - (3) The data-entry error and the resulting "sweep"
- d. Fingerprint processing under Direct Mail: the Texas Service Center and the Miami District
 - (1) Reasons why the Miami District did not have cases ready for naturalization interview
 - (2) <u>INS permits Miami cases to be scheduled regardless of the date on which their fingerprint cards were sent to the FBI</u>
 - (3) Awareness at Headquarters that Miami needed to protect the 60-day period was not adequately communicated to the Field
 - (4) IRM and FBI records show that the presumptive period was not respected
 - (5) Rap sheets received only after the applicant naturalized in cases where the 60-day period was not observed
- e. <u>Fingerprint processing under Direct Mail: the Vermont Service Center and</u> the New York District
 - (1) Errors at VSC
 - (2) New York District learns of VSC processing errors and discovers additional mistakes in the processing of rap sheets and rejected fingerprint cards
- 4. The Fingerprint Clearance Coordination Center
 - a. Introduction
 - b. Purpose of the FCCC
 - c. Design of the FCCC process
 - d. The implementation of the FCCC
 - (1) The March 18 memorandum
 - (2) The FCCC was immediately overwhelmed
 - (3) Other results of inadequate planning at the FCCC
 - (4) Confused implementation in the Field
 - e. The Field's assessment of the FCCC process

- f. The end of the FCCC
- 5. INS was slow to adjust to longer FBI processing times
 - a. Introduction
 - b. Attempts to reduce FBI processing times to permit a presumptive policy of fewer than 60 days
 - Concerns from Headquarters staff and from the Field that naturalization
 processing times did not allow sufficient time for an applicant's fingerprint
 check
 - d. The slow change to a 120-day presumptive policy
 - e. Conclusion
- 6. Bio-check processing for naturalization applicants
- 7. Background information on bio-checks
 - (1) <u>INS procedures for submitting bio-check requests</u>
 - (2) The cost of bio-checks
 - a. FBI procedures for processing bio-checks
 - (1) The search for information
 - (2) Advising INS of the results of the search
 - (3) Processing time
 - b. INS procedures for processing results of bio-checks
 - (1) Receipt by INS
 - (2) The presumptive period

Bio-check processing during CUSA

- (1) <u>Information provided by NACS insufficient to prevent the need for</u> manual searches at FBI
- (2) <u>Neither IRM nor the Records Division processed information</u> returned as a result of the bio-check process
- (3) <u>INS' response to its discovery of improper bio-check processing procedures</u>
- c. Conclusion
- F. Widespread errors in the processing of applicant criminal histories and INS' unreliable reports to Congress
 - 1. Introduction
 - 2. The results of the KPMG-supervised reviews

- a. Case stratification
- b. Criminal History Case File Review
- c. Supplemental review
- 3. Evidence of unreviewed rap sheets in the Key City Districts in contrast to INS' reports to Congress
 - a. <u>Headquarters' August 1996 survey in response to media reports</u> concerning the mishandling of rap sheets
 - b. The House subpoena
 - c. Allegations at the September 24, 1996, hearing
 - d. <u>INS' response at the September 24 hearing to allegations concerning the</u> failure to review applicant rap sheets during CUSA
 - e. INS confirms the allegations of unreviewed rap sheets
 - (1) Unreviewed rap sheets in the Chicago District
 - (2) Unreviewed rap sheets in the Los Angeles District
 - (3) Unreviewed rap sheets in the Miami District
- 4. The Fingerprint Clearance Process Survey
 - a. The questions posed by the survey
 - b. Reliance on the survey to answer congressional questions
 - c. The results of the Fingerprint Clearance Process Survey
 - (1) Errors in the Fingerprint Clearance Process Survey
 - (2) <u>Headquarters officials did not recall the details of the Fingerprint</u> Clearance Process Survey
- G. Conclusion
- VI. INS Partnerships with Community-Based Organizations
 - A. Introduction
 - B. Background on INS' work with community organizations
 - C. The partnership prong of CUSA
 - D. Disparate approaches in the Field
 - 1. Chicago
 - 2. New York

- 3. San Francisco
- E. INS, CBOs, and voter registration
 - 1. CBO voter registration activities during CUSA
 - 2. Actions by a San Francisco CBO that fueled speculation of improper political interest by INS
 - 3. Allegations of INS involvement in the registration of applicants who were not yet naturalized
- F. Conclusion
- VII. White House/NPR Involvement in the CUSA Program
 - A. Introduction
 - B. Chronology of White House/NPR Involvement in CUSA
 - 1. Background Information
 - 2. CBO leader brings naturalization to the attention of the White House
 - 3. INS Involves the Department's Justice Performance Review in CUSA
 - 4. The White House asks INS about its naturalization backlog
 - 5. Solis sends a second letter to the White House about naturalization
 - 6. Hispanic Caucus raises concerns about naturalization
 - 7. Community leaders increase pressure for faster naturalization processing
 - 8. NPR's involvement in CUSA
 - 9.
- a. The decision to involve NPR
- b. Kamarck and NPR officials meet with INS
- c. <u>Kamarck assigns NPR staff member Douglas Farbrother to work with INS on CUSA</u>
- d. The Vice President meets with CBO representatives, INS officials, and NPR officials in Los Angeles
- e. NPR tours Key City Districts
- f. Farbrother proposes that INS delegate broad authority to field managers
- g. Deputy Attorney General Gorelick meets with INS and NPR

- h. INS responds to the meeting with the Deputy Attorney General
- i. INS parts company with NPR
- C. Effects of White House/NPR involvement
- D. White House motivations
 - 1. Introduction
 - 2. Analysis of evidence concerning motivations
 - 3. Explanations of White House officials
 - 4. Conclusion

VIII. CUSA's Effects on Other Programs: Adjustments of Status in Fiscal Year 1996

- A. Introduction
- B. The creation of Section 245(i) in 1994
- C. The reprogramming agreements
 - 1. The reprogramming obligation
 - 2. June 1995 reprogramming
 - 3. January 1996 reprogramming
- D. Adjustment processing in the Key City Districts during CUSA
 - 1. Emphasis on naturalization rather than adjustments in the Key City Districts
 - 2. Status of adjustment processing at the end of FY 1996
- E. Headquarters' explanations
- IX. INS Employees' Allegations of Retaliation
 - A. Introduction
 - B. James Humble-Sanchez
 - 1. The allegations of retaliation
 - 2. OIG review
 - C. Kathy Bell
 - 1. The allegations of retaliation
 - 2. OIG review

D. Rosa Arauz

- 1. The allegations of retaliation
- 2. OIG review

E. Joyce Woods

- 1. The allegations of retaliation
- 2. OIG review

F. Neil Jacobs

- 1. The allegations of retaliation
- 2. OIG review
- G. Conclusion

X. Conclusions and Recommendations

- A. **Summary**
- B. INS' efforts to improve naturalization processing after CUSA
 - 1. Naturalization Quality Procedures
 - 2. Naturalization reengineering evaluation
 - a. PwC's commentary on interviews
 - b. PwC commentary on the testing of English and Civics
 - c. PwC commentary on INS technology
 - 3. The Adjudicator's Field Manual

C. Recommendations

- 1. <u>Interviews and adjudications</u>
 - a. The evaluation of "good moral character"
 - b. <u>Testing</u>
 - c. The evaluation of whether the applicant lawfully obtained permanent residency status
 - d. Streamlining adjudication processes
- 2. A-file policy and practice
- 3. Criminal history checking procedures

- 4. INS processing of adjustment of status applications
- 5. Reliability in representations made to Congress

Appendix A:

INS Naturalization Application Form N-400

Appendix B:

Naturalization Process Changes Memorandum

Appendix C:

OIG's Written Questions to Vice President Albert Gore

Appendix D:

Vice President Albert Gore's Responses to OIG's Written Questions

Appendix E:

Los Angeles District Criminal History Checking Procedures